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HOUSE BILL 2269

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Kirby, Warnick, Williams and Ormsby

Read first time 02/15/2007. Referred to Committee on Judiciary.

1            AN ACT Relating to allowing attorneys to recover actual costs for  
2 service of process; amending RCW 4.84.010; and adding a new section to  
3 chapter 18.180 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 4.84.010 and 1993 c 48 s 1 are each amended to read as  
6 follows:

7            The measure and mode of compensation of attorneys and counselors,  
8 shall be left to the agreement, expressed or implied, of the parties,  
9 but there shall be allowed to the prevailing party upon the judgment  
10 certain sums by way of indemnity for the prevailing party's expenses in  
11 the action, which allowances are termed costs, including, in addition  
12 to costs otherwise authorized by law, the following expenses:

13            (1) Filing fees;

14            (2) Fees for the service of process by a public officer, registered  
15 process server, or other means, as follows:

16            (a) When service is by a public officer, the recoverable cost is  
17 the fee authorized by law at the time of service.

18            (b) If service is by a process server registered pursuant to

1 chapter 18.180 RCW or a person exempt from registration, the  
2 recoverable cost is the amount (~~reasonably~~) actually charged and  
3 incurred in effecting service;

4 (3) Fees for service by publication;

5 (4) Notary fees, but only to the extent the fees are for services  
6 that are expressly required by law and only to the extent they  
7 represent actual costs incurred by the prevailing party;

8 (5) Reasonable expenses, exclusive of attorneys' fees, incurred in  
9 obtaining reports and records, which are admitted into evidence at  
10 trial or in mandatory arbitration in superior or district court,  
11 including but not limited to medical records, tax records, personnel  
12 records, insurance reports, employment and wage records, police  
13 reports, school records, bank records, and legal files;

14 (6) Statutory attorney and witness fees; and

15 (7) To the extent that the court or arbitrator finds that it was  
16 necessary to achieve the successful result, the reasonable expense of  
17 the transcription of depositions used at trial or at the mandatory  
18 arbitration hearing: PROVIDED, That the expenses of depositions shall  
19 be allowed on a pro rata basis for those portions of the depositions  
20 introduced into evidence or used for purposes of impeachment.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.180 RCW  
22 to read as follows:

23 (1) A process server required to register under RCW 18.180.010(1)  
24 or exempt from registration under RCW 18.180.010(2) (a), (c), or (d)  
25 shall be allowed to charge and collect the following fees in civil  
26 actions, suits, and proceedings for each service assignment delivered  
27 to the process server for service:

28 (a) If the fee is not greater than one hundred dollars, then the  
29 actual amount charged to a party for service;

30 (b) If the fee is greater than one hundred dollars, then a  
31 reasonable amount charged to a party for service.

32 (2) Any fees allowable under this section, and actually charged by  
33 a process server, shall be a reasonable cost awarded to, and  
34 recoverable by, the party incurring same if that party prevails in an  
35 action.

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